



**September – 2000 Edition**



## **Section 2 of 3**

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# **THE DUST DEVIL ACADEMY**

**Air Quality – It's Everybody's Business**

**Prepared and funded in part by:**



**Arizona State University**

**College of Engineering & Applied Science**

**Del E. Webb School of Construction**

**Alliance for Construction Excellence**

*and*

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# Permits

## Instructions for Filling Out an Earthmoving Permit Application -

The property owner, lessee, developer or general/prime contractor will be responsible for acquiring an Earthmoving Permit. A permit is required when the project disturbs 0.1 acre or more.

The applicant shall fill out the Earthmoving Permit application as truthfully, accurately and completely as possible.

In addition to basic applicant information, it is important to include the legal description of the site from the Phoenix Metropolitan Map Book: Township, Range and Section.

The size of the project area to be disturbed, including staging and stockpile areas, must be stated. Information on disturbed acreage is necessary for calculation of permit costs in accordance with the fee schedule indicated on the application.

A brief description of the project must be provided, along with an indication of the types of project activities anticipated. It is important to indicate whether the activities include demolition work.

A permit application must include a site drawing on paper no smaller than 8 ½ X 11 inches. This drawing must show the entire project site boundaries, acreage to be disturbed with linear dimensions, nearest public roads, a North arrow and planned exit locations onto paved public roadways.

The Earthmoving Permit application incorporates a Dust Control Plan. The Dust Control Plan lists various fugitive dust sources, earthmoving activities and dust control measures. The applicant is required to select at least one primary control measure and one contingency measure for each listed fugitive dust source or activity. If you are certain that a particular section does not apply, then indicate that it is not applicable.

Indicate the available water source and intended water application method, including the number of water trucks and their capacity.

If dust suppressants other than water are to be used, information regarding the method of application, type and capacity of equipment and frequency and intensity of application must be provided. Also include available information regarding environmental impacts and approvals or certifications related to appropriate and safe use for ground application. This information may be provided as an attachment to the application.

It is important to note that some control measures are mandatory. These include:

- Tarping of all haul trucks that carry bulk materials on paved public roadways.

- Trackout control devices on large sites (defined as sites over five acres where more than 100 cubic yards of bulk materials are hauled on or off site per day).
- Clean up of trackout from public roadways (immediately when the trackout extends 50 feet or more, and at the end of each day when it extends less than 50 feet).

A responsible official who is an officer or designated signer for the company named as the applicant must sign the Earthmoving Permit application. This individual is certifying the accuracy of the information presented in the application documents. This individual bears responsibility for the operation and for any inspection or enforcement actions taken in response to situations of non-compliance.

The Maricopa County Environmental Services Department (MCESD) requires that all applications be accompanied by payment prior to review and approval. Applications for sites less than ten acres are usually processed at the time of submittal. Application for sites larger than 10 acres will normally be processed within four days. However, MCESD is authorized to take up to 14 days to process an application.

## **Dust Control Permit Compliance -**

THE PERMITTEE OR AUTHORIZED AGENT SHALL COMPLY WITH RULE 310, WHICH LIMITS PARTICULATE MATTER (PM-10) EMISSIONS INTO THE AMBIENT AIR FROM ANY PROPERTY OPERATION OR ACTIVITY THAT MAY SERVE AS A FUGITIVE DUST SOURCE.

- The Permittee shall be responsible for assuring that all contractors, sub contractors and any other person(s) associated with the project comply with the “Conditions of the Permit”.
- The Permittee shall educate each contractor and sub contractor about potential fugitive dust sources arising from construction activities, i.e.: earth moving, land clearing, loading, storage piles, landscaping, vehicular track-out and haul roads.
- The Permittee shall take measures to control fugitive dust emissions 24 hours a day, 7 days a week.
- The Permittee shall not allow fugitive dust to become airborne without taking reasonable precautions.
- The Permittee shall not conduct any open burning on the site.
- The Permittee shall not cause or permit the handling, transporting, or storage of any materials in a manner, which could allow controllable particulate matter to become airborne.
- The Permittee shall stabilize disturbed areas within the construction site making sure soil has a well-developed crust.
- The Permittee shall control fugitive dust from haul roads and trucks loaded with bulk material.
- The Permittee shall take reasonable precautions to keep dirt off paved streets and to remove all visible trackout daily.
- The Permittee shall set up a gravel pad at the site access areas (also known as “stabilized construction entrances”) prior to commencing construction.
- The Permittee shall assure that site personnel send a copy of all Notices of Violations (NOV’s) to their corporate office.

# DUST CONTROL LOG

PROJECT: \_\_\_\_\_  
 CONTRACTOR: \_\_\_\_\_  
 WEEK BEGINNING DATE: \_\_\_\_\_

RATING  
 AA ABOVE AVERAGE  
 A AVERAGE  
 O OUT OF COMPLIANCE  
 N/A NOT APPLICABLE

	MON	TUES	WED	THU	FRI
ELIMINATION OF TRACK OUT ON TO EXISTING ROADS					
CONDITION OF GRAVEL PAD					
ELIMINATION OF DUST FROM TRENCHING					
FORMATION OF CRUST ON DISTURBED AREA					
FORMATION OF CRUST ON TRENCH SPOILS					
FORMATION OF CRUST ON STOCKPILE					
ELIMINATION OF DUST WHILE SCREENING MATERIAL					
ELIMINATION OF DUST WHILE BACKFILLING TRENCHES					
NUMBER OF <b>OPERATING</b> WATER TRUCK/PULLS					
OTHER MEANS OF DUST SUPPRESSION:					
OTHER MEANS OF DUST SUPPRESSION:					
ANY COMMUNICATION BY OWNER'S FIELD REPRESENTATIVES ON TRADE CONTRACTORS DUST CONTROL PERFORMANCE? EXPLAIN:					
WAS THE JOB SHUT DOWN BY TRADE CONTRACTOR FOR BEING OUT OF COMPLIANCE? (If yes, explain on back of form)					
WAS THE JOB SHUT DOWN BY OWNER FOR BEING OUT OF COMPLIANCE? (If yes, explain on back of form)					
• WERE THESE ISSUES RESOLVED PRIOR TO WORK START UP? (Explain on back of form)					
ANY NOTICE OF VIOLATION FROM MARICOPA COUNTY DEPT OF ENVIRONMENTAL SERVICES?					

[illegible]

## Testing of Soil Stabilizers and Dust Palliatives

Various dust palliative products have soil stabilizing qualities. Some work by adhering soil and rock particles, while others chemically or physically alter materials with which they are mixed. In an effort to build stronger road bases and reduce maintenance costs, the Maricopa County Department of Transportation (MCDOT) has tested some of these stabilizing products using various techniques. The tests were conducted primarily on low volume roads with less than 100 vehicle trips per day. Performance under different traffic conditions will vary significantly. The products currently being tested are:

### Soil Stabilizers –

Cohrex (Petroleum resin) – Cohrex was found to bond milled asphalt pavement together very well when mixed into the millings or surface applied to the millings. Appears promising as a method of extending the life of millings. Tested on 4-1/2 miles of road.

Reclamite (rejuvenator) – Reclamite bonded milled asphalt pavement together when mixed into the millings. Mediocre performance. Tested on 5-1/2 miles of road.

B.C.Stabilizer (lignin/ss-1h emulsion) – Effective in bonding native soil together when capped with a chip seal. Performed well as a base stabilizer on 1-1/2 miles of road. Tested without capping on 1/2 mile of road with breakdown occurring after seven months.

Dustac (lignosulfonate) – Used to bond milled asphalt pavement together on a steep inclined road and capped with a petroleum resin for waterproofing. Performed well in stabilizing a slope grade. Tested on 1-1/2 miles of road and one mile of shoulder.

ERA-25/75/Cyclogen (rejuvenators) – Bonded milled asphalt pavement together successfully when capped with a chip seal. Tested on one-mile of road.

Lime Slurry – Changed properties of native soil for improved strength. Tested on 1-1/2 miles of road.

EB001 (tall oil pitch) – Used to bond native soil together and capped with milled asphalt pavement. Preliminary results show promise. Currently being tested on one mile of road.

Road Oyl (tall oil pitch) – Bonded milled asphalt pavement together. Surface application shows promise. Being tested on one mile of road.

Total mileage tested with soil stabilizers = 21-1/2 miles.

Total mileage tested = 30-3/4 miles.

### Dust Palliatives –

Maricopa County has also tested several dust inhibitors, or dust palliatives, for effectiveness. Most have been tested only by visual observation, while a few have been evaluated using a dust collector, which provides a more quantitative assessment of product effectiveness. Some of the products show promise; however, cost effectiveness will depend upon both product cost and required frequency of use.

Products tested with a dust collector include:

Soil~Sement (acrylic co-polymer) – A surface application has reduced dust 95% at six months. Appears promising as a dust palliative. Tested on 1-1/2 miles of road.



Road Master (calcium chloride) – A surface application reduced dust 50% for two weeks, but was not effective at six weeks. Tested on 1-1/2 miles of road.

Products tested by visual observation only:

Dusdown 28 (magnesium chloride) – A surface application reduced dust for approximately three months. Tested on 1-1/2 miles of road.

Cohrex (petroleum resin) – Reduced dust for two months in a shoulder application. Test section was two miles long (four miles of shoulder) with the product applied to the surface on three miles of shoulder and mixed into the soil for one mile. There was no apparent difference in performance between surface application and mixed application.

Enduraseal 200 (tall oil pitch) – Reduced dust for three months after being mixed into the soil. Tested on 1/2 mile of road.

Dustac (lignosulfonate) – Reduced dust for 11 months after being mixed into the soil. Tested on 1/4 mile of road.

Some products have been seen as ineffective while others show promise. Short-term products can be effective if the price is low enough in the same way that long-term products can be ineffective due to high costs. The six-month testing will give a manageable set of numbers for future life cycle analysis and will provide more information on product cost effectiveness.

Note: A “dust collector” is a simplified quantitative collection device for determining effectiveness of dust suppression when a single test vehicle is driven over the road.

Total mileage tested with dust palliatives = 9-1/4 miles.

# Chemical Dust Suppressants

Types and Brand Names	Source	Functional Mechanism	Performance Advantages	Performance Limitations	Environmental considerations
<b>Freshwater</b>	From surface or ground water sources(need water right permit)	Moisture wets particles, increasing their mass and binding them together	Usually readily available ,low material cost, easy to apply	Frequent light applications may be necessary during hot dry weather; therefore, potentially labor intensive. Over application may result in loss of traction, erosion, or points of road failure	Minimal environmental hazard. If applied excessively, may result in erosion and sediment run off .Supply may be limited in some areas
<b>Calcium chloride</b> (Generically available as flakes or pellets)	By-product of ammonia-soda(solvary)process; also produced from natural salt brine	Deliquescent and hygroscopic; i.e. attracts and retains moisture at a relative humidity equal to or greater than 29% (77 F)	Reduces evaporation rate of surface moisture 3.4 times; lowers freezing point of water to-60 degrees F (30% solution) minimizing frost heave and reducing freeze-thaw cycles; increases compacted density of road material effectiveness retained after reblading.	Effectiveness in arid and semi-arid regions may be limited due to low relative humidity very corrosive to aluminum alloys; slightly corrosive to steel. Solubility results in leaching during heavy precipitation. Releases heat when mixed with water	Repeated applications and long term use may harm adjacent and nearby vegetation(See separate vendor listing for product specific information
<b>Magnesium chloride</b> Dustgard Dustoff	Produced from natural salt brine ;by-product of potash production; produced from the reaction of magnesium hydroxide (from sea water or dolomite)with hydrochloric acid	Deliquescent and hygroscopic ;i.e. attracts and retains moisture at a relative humidity equal to or greater than 32% (77 F)	Reduces evaporation rate of surface moisture 3.1 times ;lowers freezing point of water to-27 degrees F (22% solution)minimizing frost heave and reducing freeze-thaw cycles; increases compacted density of road material more so than CaCl2 effectiveness retained after reblading.	Effectiveness in arid and semi-arid regions may be limited due to low relative humidity very corrosive to aluminum alloys; slightly corrosive to steel. Solubility results in leaching during heavy precipitation.	Repeated applications and long term use may harm adjacent and nearby vegetation (See separate vendor listing for product specific information
<b>Lignin derivatives</b> Rustac (Lignosite) Road binder	Paper- making industry by-product containing lignin and carbohydrates in solution. Specific composition depends on chemicals and processes used to extract cellulose	Acts as adhesives, binding soil particles together	Greatly increases dry strength of soil ;not humidity –dependent imparts some plasticity to road surfaces. lowers freezing point of road surface and base; effectiveness retained after reblading	High solubility results in leaching during heavy precipitation; corrosive to aluminum alloys due to acidity (CaCO3 added ingredient, can neutralize acidity).Proper aggregate mix(4-8% fines)important to performance. Becomes slippery when wet, brittle when dry.	Lignin products have high BOD(biological oxygen demand) in aquatic systems. Spills or runoff into surface or groundwaters may create low dissolved oxygen conditions resulting in fish kills or increases in ground water concentrations of iron, sulfur compounds and other pollutants.(See separate vendor listing for product specific information
<b>Tree Resin Emulsions</b> Road oil Enduraseal 200 (ENTAC) Dustbinder DustControlE (RESTAC) Dustrol EX (J-30EX)	Emulsions produced from pine tree resins	Act as adhesives, binding soil particles together	Low solubility after curing minimizes leaching and provides degree of surface waterproofing Imparts some plasticity to road surfaces. High bonding strength non-corrosive	Require proper weather and time to cure No residual effectiveness after reblading. Equipment requires prompt cleanup to avoid curing of resin in hoses and pipes	(See separate vendor listing for product specific information
<b>Synthetic Polymer Emulsions</b> Soil sement,Soil seal Top seal(Dust seal) ECO-CF (Sand Glue) SoilMaster WR-RSB Aerospray 70A Marloc	Synthetic formulations composed of polyvinyl acetates, vinyl acrylic copolymer methacryl methacrylates, polybutadiene,et. Al.	Bind soil particles together by forming a polymerizing matrix, function similar to adhesives	Applicable to a range of emission sources function well in sandy soil conditions. Some types allow seeded vegetation to grow through the polymer matrix	Require proper weather and time to cure may be subject to UV (sunlight) degradation application equipment requires timely cleaning No residual effectiveness after reblading.	(See separate vendor listing for product specific information.)
<b>Bitumens,Tars,and Resins:</b> Residual Fuel Oil Technical White Oils Fuel oils #4,#5,#6 CohereX Asphotac10,CSS-1,CMS-2S Acadia oil, PEP Pennzsuppress D	Petroleum,coal and plastics industry by-products	Asphalt and resinous products are adhesive binding soil particles together. Petroleum oil products coat soil particles, increasing their mass and binding them together	Water insoluble when dry; provide a degree of surface waterproofing. Good residual effectiveness.	Surface crusting ,fracturing and potholing may develop; longterm application may cause road to become too hard for reblading; won't lower freezing point; petroleum oil products lack adhesive characteristics	Use of used oils prohibited. See MTCA discussion on page 6. Some petroleum based products may contain carcinogenic polycyclic aromatic hydrocarbons (PAHs). (See separate vendor listing for product specific information.)
<b>Geotextiles</b> Trevia Spunbond Amoco	Manufactured polypropylene and polyethylene fabrics	Provide and maintain drainage; improve load supporting properties; prevent upward migration of subgrade fines; separate road materials	Flexible ,durable, water permeable, and resists soil chemicals ;reduces amount of aggregate required during initial construction lower maintenance costs	High material cost; material degrades in sunlight, if exposed	None

## Storage Piles

### Surface Area Calculations –

For quick reference, the following dimensions represent storage piles with surface areas of 150 square feet.

#### Conical Piles –

Height – Approximately 5 feet.

Radius – Approximately 10 feet.

#### Linear Piles –

Length of Sloped Side – Approximately 5 feet.

Length – Approximately 15 feet.

Exact formulas are presented below.

#### Surface Area of Conical Storage Piles –

$$A = \pi RL$$

Where:

R = Radius of the base of the pile

L = Length of sloped side of the pile

#### Surface Area of Linear Storage Piles –

$$A = 2(L \times D)$$

Where:

L = Length of the long side of the base of the pile

D = Length of the sloped side of the pile

## AGGREGATE VEHICLE REQUIREMENTS

### 1. Scope:

Any vehicle transporting aggregate material.

### 2. Aggregate materials defined:

Aggregate materials mean rock fragments, pebbles, sand, gravel, cobbles, crushed base, asphalt, dirt, or similar material.

### 3. Enclosure of aggregate material (in any amount):



- A. Only to be transported in cargo area (not laying loose on frame rails, fenders, cabs, or decks of low beds or flat beds).
- B. Cargo area shall not contain any holes, cracks or openings through which materials may escape (regardless of the degree to which the vehicle is loaded).
- C. Enclosed on all vertical sides.



- D. Must have a tailgate or equivalent device.
- E. Seals are required on any opening used to empty load:
  - 1) Including bottom dump gates and tailgates.
  - 2) Seals may be any type of material or design, but must prevent material from escaping.



- F. Covers and/or tarps are required except:
  - 1) Loads composed solely of asphalt.
  - 2) Loads composed solely of petroleum coke, if loaded with a chemical surfactant (surface active agent) designed to prevent blowing, spilling or escaping.
  - 3) Aggregate materials loaded so that no portion of the load contacts the sides of the cargo area closer than six inches from the top of the sides and no portion of the load crowns or peaks above the sides of the cargo area.

#### **4. Special Equipment:**

- A. Shed boards designed to prevent material deposit on vehicle body during top loading (bottom dumps only).
- B. Splash flaps behind every tire or set of tires.
- C. Center flaps at rear of bottom-dump release gate (on vehicles equipped with bottom-dump gates) may be located directly behind release gate, or to the rear of the rear axle in line with the splash flaps.
  - 1) Center flap width: outside edge of flap shall not extend more than one-inch from sidewall of adjacent tire.
  - 2) Center flap height: 24 inches minimum and be within 5 inches of roadway surface.

#### **5. Fenders:**



- A. Fenders must covers tops and treads of tires beginning at the top of splash flap and extending at least six inches forward of top center of axle. No gap is permitted between fender and flap.
- B. Tandem axles may be covered by a single fender and flap.  
Note: Some dumpbeds/body styles may meet fender requirements such as a square body style that overhangs the tires.

**6. Full rigid body enclosures:**

- A. Vehicles comprised of full rigid enclosures are exempt only from center flap, tarp and shed board requirements. The fender requirements still apply if these vehicles transport aggregate material.

## **REGULATION I - GENERAL PROVISIONS**

### **RULE 100 GENERAL PROVISIONS AND DEFINITIONS**

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**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS**

**REGULATION I - GENERAL PROVISIONS**

**RULE 100  
GENERAL PROVISIONS AND DEFINITIONS**

**SECTION 100 - GENERAL**

- 101 DECLARATION OF INTENT:** The intent of these rules is to prevent, reduce, control, correct or remove air pollution originating within the territorial limits of Maricopa County and to carry out the mandates of Title 49, Arizona Revised Statutes.
- 102 LEGAL AUTHORITY:** These rules are adopted pursuant to the authority granted by Section 49-479, Arizona Revised Statutes.
- 103 VALIDITY:** If any section, subsection, clause, phrase or provision of these rules is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion.
- 104 CIRCUMVENTION:** A person shall not build, erect, install, or use any article, machine, equipment, condition, or any contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, conceals or dilutes an emission which would otherwise constitute a violation of these rules. No person shall circumvent these rules to dilute air contaminants by using more emission openings than is considered normal practice by the industry or activity in question.
- 105 RIGHT OF INSPECTION OF PREMISES:** The Control Officer during reasonable hours, for the purpose of enforcing and administering these rules, or any provision of the Arizona Revised Statutes relating to the emission or control prescribed pursuant thereto, may enter every building, premises, or other place, except the interior of structures used as private residences. In the event that consent to enter for inspection purposes has been refused or circumstances justify the failure to seek such consent, special inspection warrants may be issued by a magistrate. Every person is guilty of a petty offense pursuant to ARS §49-488 who in any way denies, obstructs, or hampers such entrance or inspection that is lawfully authorized by warrant.

- 106 RIGHT OF INSPECTION OF RECORDS:** When the Control Officer has reasonable cause to believe that any person has violated or is in violation of any provision of this rule, any rule adopted pursuant to this rule, or any requirement of a permit issued pursuant to this rule, the Control Officer may request, in writing, that such person produce all existing books, records, and other documents evidencing tests, inspections, or studies which may reasonably relate to compliance or noncompliance with rules adopted pursuant to this rule. No person shall fail nor refuse to produce all existing documents required in such written request by the Control Officer.
- 107 ADVISORY COUNCIL:** An Advisory Council appointed by the Board of Supervisors may advise and consult with the Board of Supervisors, the Division of Air Pollution Control and the Control Officer in effecting the mandates of ARS Title 49.
- 108 HEARING BOARD:** The Board of Supervisors shall appoint a five-member hearing board knowledgeable in the field of air pollution. At least three members shall not have a substantial interest, as defined in ARS §38-502(11), in any person required to obtain an air pollution permit. Each member shall serve a term of three years (ARS §49-478).
- 109 ANTI-DEGRADATION:** The standards in these rules shall not be construed as permitting the preventable degradation of air quality in any area of Maricopa County.
- 110 AVAILABILITY OF POLLUTION INFORMATION:** The public shall be informed on a daily basis of average daily concentration of three pollutants: particulates, carbon monoxide and ozone. This information shall be disseminated through the use of newspapers, radio and television. The levels of each pollutant shall be expressed through the use of the Pollution Standard Index (PSI) and a written copy of such information shall be made available at the office of the Maricopa County Environmental Services Department, 1001 North Central Avenue, #201, Phoenix, Arizona.
- 111 ANNUAL REASONABLE FURTHER PROGRESS (RFP) REPORT:** A report on the progress in implementation of nonattainment area plans shall be produced by the Division each year. The primary function of the report is to review the implementation schedules for control measures and emission reduction forecasts in the nonattainment area plans. The annual report will be made available to the public at the offices of Maricopa County Environmental Services Department, 1001 North Central Avenue, #201, Phoenix, Arizona.

**SECTION 200 - DEFINITIONS:** To aid in the understanding of these rules, the following general definitions are provided. Additional title-specific definitions can be found in each rule as necessary.

- 201 AAC - Arizona Administrative Code.**
- 202 ACID -** One of a large class of chemical substances whose water solutions have one or more of the following properties: sour taste, ability to make litmus dye turn red and to cause other indicator dyes to change to characteristic colors, ability to react with and dissolve certain metals to form salts, and ability to react with bases or alkalis to form salts.
- 203 ACT -** The Clean Air Act of 1963 (P.L.88-206; 42 United States Code sections 7401 through 7671) as amended by the Clean Air Act Amendments of 1990 (P.L.101-549).

- 204 ACTUAL EMISSIONS** - The actual rate of emissions of a pollutant from an emissions unit, as determined in accordance with the following:
- 204.1** In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. The Control Officer may allow the use of a different time period upon a demonstration that it is more representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored or combusted during the selected time period.
  - 204.2** If there is inadequate information to determine actual historic emissions, then the Control Officer may presume that source-specific allowable emissions for the emissions unit are equivalent to the actual emissions of the emissions unit.
  - 204.3** For any emissions unit at a Title V source which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emissions unit on that date.
  - 204.4** For any emissions unit at a Non-Title V source which has not begun normal operations on the particular date, actual emissions shall be based on applicable control equipment requirements and projected conditions of operation.
- 205 ADMINISTRATOR** - The Administrator of the United States Environmental Protection Agency.
- 206 ADVISORY COUNCIL** - The Maricopa County Air Pollution Control Advisory Council appointed by the Maricopa County Board of Supervisors.
- 207 AFFECTED FACILITY** - With reference to a stationary source, any apparatus to which a standard is applicable.
- 208 AFFECTED SOURCE** - A source that includes one or more emissions units which are subject to emission reduction requirements or limitations pursuant to Title IV of the Act.
- 209 AFFECTED STATE** - Any state whose air quality may be affected and that is contiguous to Arizona or that is within 50 miles of the permitted source.
- 210 AIR CONTAMINANT** - Includes smoke, vapors, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid mist aerosols, aerosol droplets, odors, particulate matter, windborne matter, radioactive materials, noxious chemicals, or any other material in the outdoor atmosphere.
- 211 AIR POLLUTION** - The presence in the outdoor atmosphere of one or more air contaminants or combinations thereof in sufficient quantities, which either alone or in connection with other substances, by reason of their concentration and duration are or tend to be injurious to human, plant or animal life, or causes damage to property, or

unreasonably interferes with the comfortable enjoyment of life or property of a substantial part of a community, or obscures visibility, or which in any way degrades the quality of the ambient air below the standards established by the Board of Supervisors.

- 212 AIR POLLUTION CONTROL EQUIPMENT** - Equipment used to eliminate, reduce or control the emission of air contaminants into the ambient air.
- 213 ALKALINE SOLUTION** - Hydroxides of either sodium or calcium (i.e., calcium hydroxide and sodium hydroxide) exhibiting strong caustic (base pH > 7) properties.
- 214 ALLOWABLE EMISSIONS** - The emission rate of a stationary source calculated using both the maximum rated capacity of the source, unless the source is subject to federally enforceable limits which restrict the operating rate or hours of operation, and the most stringent of the following:
- 214.1** The applicable New Source Performance Standards as described in Rule 360 of these rules or the Federal Hazardous Air Pollutant Program as described in Rule 370 of these rules;
  - 214.2** The applicable existing source performance standard as approved for the SIP; or
  - 214.3** The emissions rate specified in any federally promulgated rule or federally enforceable permit condition.
- 215 AMBIENT AIR** - That portion of the atmosphere, external to buildings, to which the general public has access.
- 216 AP-42** - The EPA document "Compilation of Air Pollutant Emission Factors," September 1985, and all supplements thereto.
- 217 APPLICABLE IMPLEMENTATION PLAN** - Those provisions of the State Implementation Plan (SIP) approved by the Administrator, or a Federal Implementation Plan (FIP) promulgated in accordance with Title I of the Act.
- 218 APPLICABLE REQUIREMENT** - Applicable requirement means any of the following:
- 218.1** Any federal applicable requirement as defined in Section 249 of this rule.
  - 218.2** Any other requirement established pursuant to the Maricopa County Air Pollution Control Regulations or ARS Title 49, Chapter 3, Articles 1, 3, 7, and 8.
- 219 APPROVED** - Approved in writing by the Maricopa County Air Pollution Control Officer.
- 220 AREA SOURCE** - Any stationary source that is not a major source. For purposes of these rules, the term "area source" shall not include motor vehicles or nonroad vehicles subject to regulation pursuant to CAA Title II.
- 221 ARS** - The Arizona Revised Statutes. The titles of the most frequently used ARS references in these rules are listed below:

ARS §38-502(11)	Public Officers And Employees, Conduct Of Office, Conflict Of Interest Of Officers And Employees, Definitions, Substantial Interest
ARS Title 49	The Environment
ARS Title 49, Chapter 3	The Environment, Air Quality
ARS Title 49, Chapter 4	The Environment, Solid Waste Management
ARS §49-109	The Environment, General Provisions, Department Of Environmental Quality, Certificate Of Disclosure Of Violations; Definition; Remedies
ARS §49-401	The Environment, Air Quality, General Provisions, Declaration Of Policy
ARS §49-426	The Environment, Air Quality, State Air Pollution Control, Permits; Duties Of Director; Exceptions; Applications; Objections; Fees
ARS §49-426.04	The Environment, Air Quality, State Air Pollution Control, State List Of Hazardous Air Pollutants
ARS §49-426.05	The Environment, Air Quality, State Air Pollutions Control, Designation Of Sources Of Hazardous Air Pollutants
ARS §49-429	The Environment, Air Quality, State Air Pollution Control, Permit Transfers; Notice; Appeal
ARS §49-464	The Environment, Air Quality, State Air Pollution Control, Violation; Classification; Definitions
ARS §49-473	The Environment, Air Quality, County Air Pollution Control, Board Of Supervisors
ARS §49-476.01	The Environment, Air Quality, County Air Pollution Control, Monitoring
ARS §49-478	The Environment, Air Quality, County Air Pollution Control, Hearing Board
ARS §49-480	The Environment, Air Quality, County Air Pollution Control, Permits; Fees
ARS §49-480.03	The Environment, Air Quality, County Air Pollution Control, Federal Hazardous Air Pollutant Program; Date Specified By Administrator; Prohibition
ARS §49-480.04	The Environment, Air Quality, County Air Pollution Control, County Program For Control Of Hazardous Air Pollutants
ARS §49-482	The Environment, Air Quality, County Air Pollution Control, Appeals To Hearing Board
ARS §49-483	The Environment, Air Quality, County Air Pollution Control, Permit Transfers; Notice; Appeal
ARS §49-487	The Environment, Air Quality, County Air Pollution Control, Classification And Reporting; Confidentiality Of Records
ARS §49-488	The Environment, Air Quality, County Air Pollution Control, Special Inspection Warrant
ARS §49-490	The Environment, Air Quality, County Air Pollution Control, Hearings On Orders Of Abatement
ARS §49-498	The Environment, Air Quality, County Air Pollution Control, Notice Of Hearing; Publication; Service
ARS §49-501	The Environment, Air Quality, County Air Pollution Control, Unlawful Open Burning; Exceptions; Violation; Classification
ARS §49-511	The Environment, Air Quality, County Air Pollution Control, Violations, Order Of Abatement

- 222 ASME** - The American Society of Mechanical Engineers.
- 223 ASTM** - The American Society for Testing and Materials.
- 224 ATTAINMENT AREA** - An area so designated by the Administrator, acting pursuant to Section 107 of the Act, as having ambient air pollutant concentrations equal to or less than national primary or secondary ambient air quality standards for a particular pollutant or pollutants.
- 225 BEGIN ACTUAL CONSTRUCTION** - In general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operation, begin actual construction refers to those on-site activities, other than preparatory activities, which mark the initiation of the change.
- 226 BEST AVAILABLE CONTROL TECHNOLOGY (BACT)** - An emissions limitation, based on the maximum degree of reduction for each pollutant, subject to regulation pursuant to the Act, which would be emitted from any proposed stationary source or modification which the Control Officer, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques including fuel cleaning or treatment or innovative fuel combination techniques for control of such pollutant. Under no circumstances shall BACT be determined to be less stringent than the emission control required by an applicable provision of State or Federal Laws or these rules. If the Control Officer determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.
- 227 BRITISH THERMAL UNIT (BTU)** - The quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit (°F) at 39.1°F.
- 228 BUILDING, STRUCTURE, FACILITY OR INSTALLATION** - All the pollutant-emitting equipment and activities that belong to the same industrial grouping, that are located on one or more contiguous or adjacent properties, and that are under the control of the same person or persons under common control except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" as described in the "Standard Industrial Classification Manual, 1987".
- 229 BUREAU** - The Division of Air Pollution Control within the Maricopa County Environmental Quality and Community Services Agency. The "Bureau" no longer exists; consequently, all references to "Bureau" in these rules refer to "Department".



- 230 CFR** - The United States Code of Federal Regulations.
- 231 CIRCUMSTANCES OUTSIDE THE CONTROL OF THE SOURCE** - Shall include but not be limited to circumstances where a violation resulted from a sudden and unavoidable breakdown of the process or the control equipment, resulted from unavoidable conditions during a start up or shut down, or resulted from upset of operations.
- 232 COMMENCE** - As applied to construction of a major source or a major modification, that the owner or operator has all necessary preconstruction approvals or permits and has either:
- 232.1** Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or
  - 232.2** Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.
- 233 COMPLETE** - In reference to an application for a permit, that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the Control Officer from requesting nor from accepting any additional information.
- 234 CONSTRUCTION** - Any physical change or change in the method of operation, including fabrication, erection, or installation, demolition, or modification of an emissions unit, which would result in a change in actual emissions.
- 235 CONTROL OFFICER** - The executive head of the department authorized or designated to enforce air pollution regulations, the executive head of an air pollution control district established pursuant to ARS §49-473, or the designated agent.
- 236 DEPARTMENT** - The Maricopa County Environmental Services Department.
- 237 DIRECTOR** - The director of the Arizona Department of Environmental Quality (ADEQ).
- 238 DISCHARGE** - The release or escape of an effluent into the atmosphere from a source.
- 239 DIVISION** - The Division of Air Pollution Control within the Maricopa County Environmental Management and Transportation Agency. The "Division" no longer exists; consequently, all references in these rules to "Division" refer to "Department".
- 240 EARTH MOVING OPERATION** - The use of any equipment for an activity which may generate fugitive dust, such as, but not limited to, cutting and filling, grading, leveling, excavating, trenching, loading or unloading of bulk materials, demolishing, blasting, drilling, adding to or removing bulk materials from open storage piles, back filling, soil mulching or landfill operations.

- 241 EFFLUENT** - Any air contaminant which is emitted and subsequently escapes into the atmosphere.
- 242 EMISSION STANDARD** - Shall have the meaning set forth in ARS §49-514(T) and ARS §49-464(U).
- 243 EMISSIONS UNIT** - Any part of a stationary source which emits or would have the potential to emit any regulated air pollutant.
- 244 EPA** - The United States Environmental Protection Agency.
- 245 EQUIVALENT METHOD** - Any method of sampling and analyzing for an air pollutant which has been demonstrated to the EPA Administrator's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.
- 246 EXCESS EMISSIONS** - Emissions of an air pollutant in excess of an emission standard as measured by the compliance test method applicable to such emission standard.
- 247 EXISTING SOURCE -**
- 247.1** A source in operation prior to the effective date of this rule, or a source on which the construction or modification has commenced and for which the Control Officer has granted a permit prior to the effective date of this rule; or
  - 247.2** When used in conjunction with a source subject to new source performance standard (NSPS), any source which does not have an applicable NSPS pursuant to Rule 360 of these rules.
- 248 FACILITY** - See Section 207 of this rule (Affected Facility) and Section 228 of this rule (Building, Structure, Facility or Installation).
- 249 FEDERAL APPLICABLE REQUIREMENT** - Any of the following as they apply to emissions units covered by a Title V permit or a Non-Title V permit (including requirements that have been promulgated or approved by the United States Environmental Protection Agency (EPA) through rulemaking at the time of issuance but have future effective compliance dates):
- 249.1** Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking pursuant to Title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR 52;
  - 249.2** Any term or condition of any unitary permits issued pursuant to regulations approved or promulgated through rulemaking pursuant to Title I, including Parts C or D, of the Act;
  - 249.3** Any standard or other requirement pursuant to Section 111 of the Act, including Section 111(d);

- 249.4** Any standard or other requirement pursuant to Section 112 of the Act, including any requirement concerning accident prevention pursuant to Section 112(r)(7) of the Act;
- 249.5** Any standard or other requirement of the acid rain program pursuant to Title IV of the Act or the regulations promulgated thereunder and incorporated pursuant to Rule 371 of these rules;
- 249.6** Any requirements established pursuant to Section 504(b) or Section 114(a)(3) of the Act;
- 249.7** Any standard or other requirement governing solid waste incineration, pursuant to Section 129 of the Act;
- 249.8** Any standard or other requirement for consumer and commercial products, pursuant to Section 183(e) of the Act;
- 249.9** Any standard or other requirement for tank vessels pursuant to Section 183(f) of the Act;
- 249.10** Any standard or other requirement of the program to control air pollution from outer continental shelf sources, pursuant to Section 328 of the Act;
- 249.11** Any standard or other requirement of the regulations promulgated to protect stratospheric ozone pursuant to Title VI of the Act, unless the Administrator has determined that such requirements need not be contained in a Title V permit; and
- 249.12** Any national ambient air quality standard or increment or visibility requirement pursuant to Part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to Section 504(e) of the Act.

## **250 FEDERALLY ENFORCEABLE -**

- 250.1** All terms and conditions contained in a Title V permit except those terms and conditions which have been specifically designated as not federally enforceable; or
- 250.2** The requirements of operating permit programs and permits issued under such permit programs which have been approved by the Administrator, including the requirements of State and County operating permit programs approved pursuant to Title V of the Act or pursuant to any new source review permit program; or
- 250.3** All limitations and conditions which are enforceable by the Administrator, including the requirements of the New Source Performance Standards (NSPS) and the National Emissions Standards for Hazardous Air Pollutants (NESHAPs) contained in these rules; or

- 250.4** The requirements of such other State or County rules or regulations approved by the Administrator for inclusion in the State Implementation Plan (SIP); or
- 250.5** The requirements of any federal regulation promulgated by the Administrator as part of the SIP.
- 250.6** The requirements of State and County operating permit programs, other than Title V programs, which have been approved by the Administrator and incorporated into the applicable SIP pursuant to the criteria for federally enforceable State operating permit programs set forth in 54, Federal Register 27274, dated June 28, 1989. Such requirements include permit terms and conditions which have been entered into voluntarily by a source pursuant to Rule 220 of these rules.
- 251 FINAL PERMIT** - The version of a permit issued by the Control Officer after completion of all review required by Maricopa County Air Pollution Control Regulations.
- 252 FUEL OIL** - Number 2 through Number 6 fuel oils as specified in ASTM D-396-96 (Specification For Fuel Oils), gas turbine fuel oils Numbers 2-GT through 4-GT as specified in ASTM D-2880-96 (Specification For Gas Turbine Fuel Oils), or diesel fuel oils Numbers 2-D and 4-D as specified in ASTM D-975-96 (Specification For Diesel Fuel Oils).
- 253 FUGITIVE EMISSION** - Any emission which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- 254 MAJOR MODIFICATION** - Any physical change or change in the method of operation of a major source that would result in a significant net emissions increase of any regulated air pollutant.
- 254.1** Any net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone.
- 254.2** Any net emissions increase that is significant for oxides of nitrogen shall be considered significant for ozone for ozone nonattainment areas classified as marginal, moderate, serious, or severe.
- 254.3** For the purposes of this definition, the following shall not be considered a physical change or a change in the method of operation:
- a.** Maintenance, repair and replacement which the Control Officer determines to be routine.
  - b.** Use of an alternative fuel or raw material by reason of an order pursuant to Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. § 792, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act, 16 U.S.C. § 792 - 825r;
  - c.** Use of an alternative fuel by reason of an order or rule pursuant to Section 125 of the Act;

- d. Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
- e. Use of an alternative fuel or raw material by a stationary source which either:
  - (1) The source was capable of accommodating before December 12, 1976, unless such change would be prohibited pursuant to any federally enforceable permit condition which was established after December 12, 1976, pursuant to 40 CFR 52.21, or pursuant to Rules 200, 210, 240, 245, and 270 of these rules; or
  - (2) The source is approved to use under any permit issued pursuant to 40 CFR 52.21, or pursuant Rules 200, 210, 240, 245, and 270 of these rules.
- f. An increase in the hours of operation or in the production rate, unless such change would be prohibited pursuant to any federally enforceable permit condition which was established after December 12, 1976, pursuant to 40 CFR 52.21, or pursuant to Rules 200, 210, 240, 245, and 270 of these rules.
- g. Any change in ownership at a stationary source.

## **255 MAJOR SOURCE -**

**255.1** A major source as defined in Rule 240 of these rules;

**255.2** A major source pursuant to Section 112 of the Act:

- a. For pollutants other than radionuclides, any stationary source that emits or has the potential to emit, in the aggregate, including fugitive emissions, ten tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to Section 112(b) of the Act, 25 tpy or more of any combination of such hazardous air pollutants, , or such lesser quantity as described in Title 18, Chapter 2, Article 11 of the Arizona Administrative Code. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or
- b. For radionuclides, major source shall have the meaning specified by the Administrator by rule.

**255.3** A major stationary source, as defined in Section 302 of the Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant including any major source of fugitive emissions of any such pollutant. The fugitive emissions of a stationary source shall not be considered in determining whether it is a major

stationary source for the purpose of Section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:

Coal cleaning plants (with thermal dryers);  
Kraft pulp mills;  
Portland cement plants;  
Primary zinc smelters;  
Iron and steel mills;  
Primary aluminum ore reduction plants;  
Primary copper smelters;  
Municipal incinerators capable of charging more than 50 tons of refuse per day;  
Hydrofluoric, sulfuric, or nitric acid plants;  
Petroleum refineries;  
Lime plants;  
Phosphate rock processing plants;  
Coke oven batteries;  
Sulfur recovery plants;  
Carbon black plants (furnace process);  
Primary lead smelters;  
Fuel conversion plants;  
Sintering plants;  
Secondary metal production plants;  
Chemical process plants;  
Fossil-fuel boilers (or combination thereof) totaling more than 250 million BTU per hour heat input;  
Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;  
Taconite ore processing plants;  
Glass fiber processing plants;  
Charcoal production plants;  
Fossil fuel-fired steam electric plants of more than 250 million BTU per hour rated heat input; or  
All other stationary source categories regulated by a standard promulgated as of August 7, 1980 pursuant to Section 111 or pursuant to Section 112 of the Act but only with respect to those air pollutants that have been regulated for that category.

**256 MALFUNCTION** - Any sudden and unavoidable failure of air pollution control equipment, process or process equipment to operate in a normal and usual manner. Failures that are caused by poor maintenance, careless operation or any other upset condition or equipment breakdown which could have been prevented by the exercise of reasonable care shall not be considered malfunctions.

**257 MATERIAL PERMIT CONDITION -**

**257.1** For the purposes of ARS §49-464(G) and ARS §49-514(G), a material permit condition shall mean a condition which satisfies all of the following:

- a. The condition is in a permit or permit revision issued by the Control Officer or by the Director after the effective date of this rule.
- b. The condition is identified within the permit as a material permit condition.
- c. The condition is one of the following:
  - (1) An enforceable emission standard imposed to avoid classification as a major modification or major source or to avoid triggering any other applicable requirement.
  - (2) A requirement to install, operate or maintain a maximum achievable control technology or hazardous air pollutant reasonably available control technology required pursuant to the requirements of ARS §49-426.06.
  - (3) A requirement for the installation or certification of a monitoring device.
  - (4) A requirement for the installation of air pollution control equipment.
  - (5) A requirement for the operation of air pollution control equipment.
  - (6) An opacity standard required by Section 111 or Title I, Part C or D, of the Act.
- d. Violation of the condition is not covered by Subsections (A) through (F), or (H) through (J) of ARS §49-464 or Subsections (A) through (F), or (H) through (J) of ARS §49-514.

**257.2** For the purposes of Section 257.1(c)(3), (4), and (5) of this rule, a permit condition shall not be material where the failure to comply resulted from circumstances which were outside the control of the source.

**258 METHOD OF OPERATION** - See Section 265 of this rule (Operation).

**259 MODIFICATION** - A physical change in or a change in the method of operation of a source which increases the actual emissions of any regulated air pollutant emitted by such source by more than any relevant de minimis amount or which results in the emission of any regulated air pollutant not previously emitted by more than such de minimis amount.

**260 NET EMISSIONS INCREASE** - The amount by which the sum of Section 260.1 and Section 260.2 below exceeds zero:

**260.1** Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and

- 260.2** Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.
- 260.3** An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:
- a.** The date five years before construction on the particular change commences and
  - b.** The date that the increase from the particular change occurs.
- 260.4** An increase or decrease in actual emissions is creditable only if the Control Officer has not relied on it in issuing a permit, which is in effect when the increase in actual emissions from the particular change occurs. In addition, in nonattainment areas, a decrease in actual emissions shall be considered in determining net emissions increase due to modifications only if the state has not relied on it in demonstrating attainment or reasonable further progress.
- 260.5** An increase or decrease in actual emissions of sulfur dioxide, nitrogen oxides, or particulate matter which occurs before the applicable baseline date, as described in Rule 500 of these rules, is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.
- 260.6** An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
- 260.7** A decrease in actual emissions is creditable only to the extent that:
- a.** The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
  - b.** The emissions unit was actually operated and emitted the specific pollutant.
  - c.** It is federally enforceable at and after the time that actual construction on the particular change begins; and
  - d.** It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
- 260.8** An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

**261 NEW SOURCE** - Any source that is not an existing source.



**262 NONATTAINMENT AREA** - An area so designated by the Administrator acting pursuant to Section 107 of the Act as exceeding national primary or secondary ambient air standards for a particular pollutant or pollutants.

**263 NON-PRECURSOR ORGANIC COMPOUND** - Any of the following organic compounds which have been designated by the EPA as having negligible photo-chemical reactivity:

Acetone;  
Methane;  
Ethane;  
Methylene chloride (dichloromethane);  
1,1,1-trichloroethane;  
Trichlorofluoromethane (CFC-11);  
Dichlorodifluoromethane (CFC-12);  
Chlorodifluoromethane (HCFC-22);  
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);  
1,2-dichlorotetrafluoroethane (CFC-114);  
Chloropentafluoroethane (CFC-115);  
Trifluoromethane (HFC-23);  
2,2-dichloro-1,1,1-trifluoroethane (HCFC-123);  
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);  
1,1-dichloro-1-fluoroethane (HCFC-141b);  
1-chloro-1,1-difluoroethane (HCFC-142b);  
Pentafluoroethane (HFC-125);  
1,1,2,2-tetrafluoroethane (HFC-134);  
1,1,1,2-tetrafluoroethane (HFC-134a);  
1,1,1-trifluoroethane (HFC-143a);  
1,1-difluoroethane (HFC-152a);  
Parachlorobenzotrifluoride (PCBTF);  
Perchloroethylene (tetrachloroethylene);  
3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);  
1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);  
1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);  
1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC-43-10mee);  
Difluoromethane (HFC-32);  
Ethylfluoride (HFC-161);  
1,1,1,3,3,3-hexafluoropropane (HFC-236fa);  
1,1,2,2,3-pentafluoropropane (HFC-245ca);  
1,1,2,3,3-pentafluoropropane (HFC-245ea);  
1,1,1,2,3-pentafluoropropane (HFC-245eb);  
1,1,1,3,3-pentafluoropropane (HFC-245fa);  
1,1,1,2,3,3-hexafluoropropane (HFC-236ea);  
1,1,1,3,3-pentafluorobutane (HFC-365mfc);  
Chlorofluoromethane (HCFC-31);  
1-chloro-1-fluoroethane (HCFC-151a);  
1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);  
1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane;  
2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane;  
1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane;  
2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane;  
Cyclic, branched or linear completely methylated siloxanes;

All completely fluorinated, completely saturated: alkanes, ethers and tertiary amines; and Sulfur-containing perfluorocarbons with no unsaturations, no hydrogen, and with sulfur bonds only to carbon and fluorine.

- 264 OPEN OUTDOOR FIRE** - Any combustion of material of any type outdoors, where the products of combustion are not directed through a flue.
- 265 OPERATION** - Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or properties of a material.
- 266 ORGANIC COMPOUND** - Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.
- 267 ORGANIC LIQUID** - Any organic compound which exists as a liquid under any actual conditions of use, transport or storage.
- 268 OWNER OR OPERATOR** - Any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.
- 269 PARTICULATE MATTER** - Any material, except uncombined water, which has a nominal aerodynamic diameter smaller than 100 microns (micrometers), and which exists in a finely divided form as a liquid or solid at actual conditions.
- 270 PERMITTING AUTHORITY** - The department or a County department or agency that is charged with enforcing a permit program adopted pursuant to ARS §49-480, Subsection A.
- 271 PERSON** - Any individual, public or private corporation, company, partnership, firm, association of society of persons, the Federal Government and any of its departments or agencies, or the State and any of its agencies, departments or political subdivisions.
- 272 PHYSICAL CHANGE** - Any replacement, addition or alteration of equipment that is not already allowed under the terms of the source's permit.
- 273 PM<sub>10</sub>** - Particulate matter with an aerodynamic diameter smaller than or equal to 10 microns (micrometers) as measured by the applicable State and Federal Reference Test Methods.
- 274 PORTABLE SOURCE** - Any building, structure, facility or installation subject to regulation pursuant to ARS §49-426 which emits or may emit any air pollutant and is capable of being operated at more than one location.
- 275 POTENTIAL TO EMIT** -- The maximum capacity of a stationary source to emit pollutants, excluding secondary emissions, under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.

- 276 PROPOSED PERMIT** - The version of a permit for which the Control Officer offers public participation pursuant to Rule 210 of these rules or offers affected state review pursuant to Rule 210 of these rules.
- 277 PROPOSED FINAL PERMIT** - The version of a Title V permit that the Control Officer proposes to issue and forwards to the Administrator for review in compliance with Rule 210 of these rules.
- 278 QUANTIFIABLE** - With respect to emissions or the emissions involved in equivalent emission limits and emission trades capable of being measured or otherwise determined in terms of quantity and assessed in terms of character. Quantification may be based on emission factors, stack tests, monitored values, operating rates and averaging times, materials used in a process or production, modeling, or other reasonable measurement practices.
- 279 REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)** - For facilities subject to Regulation III of these rules, the emissions limitation of the existing source performance standard. For facilities not subject to Regulation III of these rules, the lowest emission limitation that a particular source is capable of achieving by the application of control technology that is reasonably available considering technological and economic feasibility. Such technology may previously have been applied to a similar, but not necessarily identical, source category. RACT for a particular facility, other than a facility subject to Regulation III of these rules, is determined on a case-by-case basis, considering the technological feasibility and cost-effectiveness of the application of the control technology to the source category.
- 280 REFERENCE METHOD** - Any of the methods of sampling and analyzing for an air pollutant as described in the Arizona Testing Manual for Air Pollutant Emissions; 40 CFR 50, Appendices A through K; 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; and 40 CFR 61, Appendices B and C.
- 281 REGULATED AIR POLLUTANT** - Any of the following:
- 281.1** Any conventional air pollutant as defined in ARS §49-401.01.
  - 281.2** Nitrogen oxides and volatile organic compounds.
  - 281.3** Any air contaminant that is subject to a standard contained in Rule 360 of these rules or promulgated pursuant to Section 111 of the Act.
  - 281.4** Any hazardous air pollutant as defined in ARS §49-401.01 or listed in Section 112(b) of the Act.
  - 281.5** Any Class I or II substance listed in Section 602 of the Act.
- 282 REGULATORY REQUIREMENTS** - All applicable requirements, Division rules, and all State requirements pertaining to the regulation of air contaminants.

**283 REPLICABLE** - With respect to methods or procedures sufficiently unambiguous such that the same or equivalent results would be obtained by the application of the method or procedure by different users.

**284 RESPONSIBLE OFFICIAL** - One of the following:

**284.1** For a corporation: A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either;

- a. The sources employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
- b. The delegation of authority to such representatives is approved in advance by the permitting authority;

**284.2** For a partnership or sole proprietorship: A general partner or the proprietor, respectively;

**284.3** For a municipality, state, federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this rule, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or

**284.4** For affected sources:

- a. The designated representative insofar as actions, standards, requirements, or prohibitions pursuant to Title IV of the Act or the regulations promulgated thereunder are concerned; and
- b. The designated representative for any other purposes pursuant to 40 CFR, Part 70.

**285 SIGNIFICANT** -

**285.1** In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any one of the following rates:

<u>Pollutant</u>	<u>Emissions Rate (TPY)</u>
Carbon Monoxide	100
Nitrogen Oxides	40
Sulfur Dioxide	40
Particulate Matter	25

PM10	15
VOC	40
Lead	0.6
Fluorides	3
Sulfuric Acid Mist	7
Hydrogen Sulfide (H <sub>2</sub> S)	10
Total Reduced Sulfur	
(including hydrogen sulfide)	10
Reduced Sulfur Compounds	
(including hydrogen sulfide)	10
Municipal waste combustor organics	
(measured as total tetra-through-	
octa-chlorinated: dibenzo-p-dioxins	
and dibenzofurans)	3.5 x 10 <sup>-6</sup>
Municipal waste combustor metals	
(measured as particulate matter)	15
Municipal waste combustor acid gases	
(measured as sulfur dioxide and	
hydrogen chloride)	40
Municipal solid waste landfill emissions	
(measured as nonmethane organic compounds)	50

**285.2** In ozone nonattainment areas classified as serious or severe, significant emissions of VOC shall be determined pursuant to Rule 240 of these rules.

**285.3** In reference to a regulated air pollutant that is not listed in Section 285.1 of this rule, is not a Class I nor a Class II substance listed in Section 602 of the Act, and is not a hazardous air pollutant according to ARS §49-401.01(11), any emissions rate.

**285.4** Notwithstanding the emission amount listed in Section 285.1 of this rule, any emissions rate or any net emissions increase associated with a major source or major modification, which would be constructed within ten kilometers (6.2 miles) of a Class I area and which would have an impact on the ambient air quality of such area equal to or greater than one microgram/cubic meter (mg/m<sup>3</sup>) (24-hour average).

**286 SOLVENT-BORNE COATING MATERIAL** - Any liquid coating-material in which the solvent is primarily or solely a volatile organic compound (VOC). For the purposes of this definition, "primarily" means of the total solvent mass that evaporates from the coating, the VOC portion weighs more than the non-VOC portion.

**287 SOURCE** - Any building, structure, or facility that may cause or contribute to air pollution or the use of which may eliminate, reduce or control the emission of air pollution.

**288 SPECIAL INSPECTION WARRANT** - An order, in writing, issued in the name of the State of Arizona, signed by a magistrate, directed to the Control Officer or his deputies authorizing him to enter into or upon public or private property for the purpose of making an inspection authorized by law.

- 289 STANDARD CONDITIONS** - A gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. When applicable, all analyses and tests shall be calculated and reported at standard gas temperatures and pressure values.
- 290 STATE IMPLEMENTATION PLAN (SIP)** - The plan adopted by the state of Arizona which provides for implementation, maintenance, and enforcement of such primary and secondary ambient air quality standards as are adopted by the Administrator, pursuant to the Act.
- 291 STATIONARY SOURCE** - Any source that operates at a fixed location and that emits or generates air contaminants.
- 292 SYNTHETIC MINOR** - A source which voluntarily proposes in its application and accepts in its permit, including emissions limitations, controls, or other requirements which are permanent, quantifiable, and enforceable, which, if part of a federally enforceable permit program, will enable such source to avoid classification as a source that requires a Title V permit.
- 293 TITLE V** - Title V of the federal Clean Air Act as amended in 1990 and the 40 CFR Part 70 EPA regulations adopted to implement the Act.
- 294 TRADE SECRETS** - Information to which all of the following apply:
- 294.1** A person has taken reasonable measure to protect from disclosure and the person intends to continue to take such measures.
  - 294.2** The information is not, and has not been, reasonably obtainable without the person's consent by other persons, other than governmental bodies, by use of legitimate means, other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding.
  - 294.3** No statute, including ARS §49-487, specifically requires disclosure of the information to the public.
  - 294.4** The person has satisfactorily shown that disclosure of the information is likely to cause substantial harm to the business's competitive position.
- 295 UNCLASSIFIED AREA** - An area which the Administrator, because of lack of adequate data, is unable to classify as an attainment or nonattainment area for a specific pollutant. For purposes of these rules, unclassified areas are to be treated as attainment areas.
- 296 VOLATILE ORGANIC COMPOUND (VOC)** - Any organic compound, which participates in atmospheric photochemical reactions, except the non-precursor organic compounds.

## **SECTION 300 - STANDARDS**

- 301 AIR POLLUTION PROHIBITED:** No person shall discharge from any source whatever into the atmosphere regulated air pollutants which exceed in quantity or concentration that specified and allowed in these rules, the Arizona Administrative Code or the Arizona Revised Statutes, or which cause damage to property or unreasonably interfere with the comfortable enjoyment of life or property of a substantial part of a community, or obscure visibility, or which in any way degrade the quality of the ambient air below the standards established by the Board of Supervisors or the Director.
- 302 APPLICABILITY OF MULTIPLE EMISSION LIMITS:** Whenever more than one rule of these rules applies to any source, the rule or combination of rules resulting in the lowest rate or lowest concentration of air contaminants released to the atmosphere shall apply unless otherwise specifically exempted or designated.

## **SECTION 400 - ADMINISTRATIVE REQUIREMENTS**

- 401 CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS:** Any application form or report submitted pursuant to these rules shall contain certification by a responsible official of truth, accuracy, and completeness of the application form or report as of the time of submittal. This certification and any other certification required pursuant to these rules shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- 402 CONFIDENTIALITY OF INFORMATION:**
- 402.1** The Control Officer shall make all permits, including all elements required to be in the permit pursuant to Rule 210 and Rule 220 of these rules, available to the public.
- 402.2** Any records, reports or information obtained from any person under these rules shall be available to the public, unless the Control Officer has notified the person in writing as specified in Subsection 402.3 of this rule and unless a person:
- a.** Precisely identifies the information in the permit(s), records, or reports which is considered confidential.
  - b.** Provides sufficient supporting information to allow the Control Officer to evaluate whether such information satisfies the requirements related to trade secrets as defined in Section 294 of this rule.
- 402.3** Within 30 days of receipt of a notice of confidentiality that complies with Subsection 402.2 of this rule, the Control Officer shall make a determination as to whether the information satisfies the requirements for trade secrets as described in Section 294 of this rule and so notify the applicant in writing. If the Control Officer agrees with the applicant that the information covered by the notice of confidentiality satisfies the statutory requirements, the Control Officer shall include a notice in the administrative record of the permit application that certain information has been considered confidential.

**402.4** A claim of confidentiality shall not excuse a person from providing any and all information required or requested by the Control Officer.

**402.5** A claim of confidentiality shall not be a defense for failure to provide such information.

**403 EFFECTIVE DATE OF THIS RULE:** The revisions to Rule 100, Sections 249.2, 255.2(a), 257.1(a), 285.1, and 403 adopted by the Board Of Supervisors on May 20, 1998, shall be effective July 1, 1998.

## **SECTION 500 - MONITORING AND RECORDS**

### **501 EMERGENCY PROVISION:**

**501.1** An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

**501.2** An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of Subsection 501.3 of this rule are met.

**501.3** The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
- b. The permitted source was at the time being properly operated;
- c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
- d. The permittee as soon as possible telephoned the Control Officer giving notice of the emergency and submitted notice of the emergency to the Control Officer by certified mail or hand delivery within two working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirement of Rule 210 of these rules. This notice shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective action taken.
- e. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.



- f. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

## **502 EXCESS EMISSIONS:**

**502.1** Emissions in excess of an applicable emission limitation contained in these rules or in the terms of a permit shall constitute a violation. For all situations that constitute an emergency as described in Section 501 of this rule, the affirmative defense and reporting requirements contained in Section 501 of this rule shall apply. In all other circumstances, it shall be an affirmative defense if the owner or operator of the source has complied with the reporting requirements of Subsection 502.3 of this rule in a timely manner and has demonstrated all of the following:

- a. The excess emissions resulted from a sudden and unavoidable breakdown of the process or the control equipment, resulted from unavoidable conditions during startup or shutdown, resulted from unavoidable conditions during an upset of operations, or that greater or more extended excess emissions would result unless scheduled maintenance is performed;
- b. The air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good practice for minimizing emissions;
- c. Where repairs were required, such repairs were made in an expeditious fashion when the applicable emission limitations were being exceeded and off-shift labor and overtime were utilized where practical to insure that such repairs were made as expeditiously as possible. If off-shift labor and overtime were not utilized, the owner or operator satisfactorily demonstrated that such measures were impractical;
- d. The amount and duration of the excess emissions (including any bypass operation) were minimized to the maximum extent practicable during periods of such emissions;
- e. All feasible steps were taken to minimize the impact of the excess emissions on potential violations of ambient air quality standards;
- f. The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance; and
- g. During the period of excess emissions, there were no measured violations of the ambient air quality standards established in Rule 510 of these rules which could be attributed to the emitting source.

**502.2** It shall be the burden of the owner or operator of the source to demonstrate, through submission of the data and information required by this section of this

rule that all reasonable and practicable measures within the owner or operator's control were implemented to prevent the occurrence of excess emissions.

**502.3** Excess emissions shall be reported as follows:

- a.** The owner or operator of any source issued a permit shall report to the Control Officer any emissions in excess of the limits established by this section of this rule or the applicable permit. Such report shall be in two parts as specified below:
  - (1)** Notification by telephone or facsimile within 24 hours of the time when the owner or operator first learned of the occurrence of excess emissions including all available information from Subsection 502.3(b) of this rule.
  - (2)** Detailed written notification within 72 hours of the notification pursuant to Subsection 502.3(a) of this rule.
- b.** The excess emissions report shall contain the following information:
  - (1)** The identity of each stack or other emission point where the excess emissions occurred.
  - (2)** The magnitude of the excess emissions expressed in the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions.
  - (3)** The time and duration or expected duration of the excess emissions.
  - (4)** The identity of the equipment from which the excess emissions emanated.
  - (5)** The nature and cause of such emissions.
  - (6)** If the excess emissions were the result of a malfunction, steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunction.
  - (7)** The steps that were or are being taken to limit the excess emissions. If the source's permit contains procedures governing source operation during periods of startup or malfunction and the excess emissions resulted from start-up or malfunction, the report shall contain a list of the steps taken to comply with the permit procedures.

**502.4** In the case of continuous or recurring excess emissions, the notification requirements of this section of this rule shall be satisfied if the source provides the required notification after excess emissions are first detected and includes in such notification an estimate of the time the excess emissions will continue. Excess emissions occurring after the estimated time period or changes in the

nature of the emissions as originally reported shall require additional notification pursuant to Subsection 502.3(a)(2) of this rule.

**502.5** Information required to be submitted by this section of this rule shall be summarized and reported to the Control Officer in accordance with provisions contained in the applicable permit issued pursuant to the requirements of these rules.

**503 RECORDS REQUIRED:** The owner or operator of any air pollution source shall maintain records of all emissions testing and monitoring, records detailing all malfunctions which may cause any applicable emission limitation to be exceeded, records detailing the implementation of approved control plans and compliance schedules, records required as a condition of any permit, records of materials used or produced and any other records relating to the emission of air contaminants which may be requested by the Control Officer.

**504 DATA REPORTING:** When requested by the Control Officer, a person shall furnish to the Division information to locate and classify air contaminant sources according to type, level, duration, frequency and other characteristics of emissions and such other information as may be necessary. This information shall be sufficient to evaluate the effect on air quality and compliance with these rules. The owner or operator of a source requested to submit information pursuant to Section 503 of this rule may subsequently be required to submit annually, or at such intervals specified by the Control Officer, reports detailing any changes in the nature of the source since the previous report and the total annual quantities of materials used or air contaminants emitted.

**505 EMISSION STATEMENTS REQUIRED AS STATED IN THE ACT:** Upon request of the Control Officer and as directed by the Control Officer, the owner or operator of any source which emits or may emit oxides of nitrogen (NO<sub>x</sub>) or volatile organic compounds (VOC) shall provide the Control Officer with an emission statement, in such form as the Control Officer prescribes, showing measured actual emissions or estimated actual emissions of NO<sub>x</sub> and VOC from that source. At a minimum the emission statement shall contain all information contained in the "Guidance on Emission Statements" document as described in the AIRS Fixed Format Report (AFP 644). The statement shall contain emissions for the time period specified by the Control Officer. The statement shall also contain a certification by a responsible official of the company that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement. The first statement will cover 1992 emissions and shall be submitted to the Division by April 30, 1993. Statements shall be submitted annually thereafter. The Control Officer may waive this requirement for the owner or operator of any source which emits less than 25 tons per year of oxides of nitrogen or volatile organic compounds with an approved emission inventory for sources based on AP-42 or other methodologies approved by the Administrator.

**506 RETENTION OF RECORDS:** Information and records required by the Control Officer and copies of summarizing reports recorded by the owner or operator and submitted to the Control Officer shall be retained by the owner or operator for five years after the date on which the pertinent report is submitted.

**507 ANNUAL EMISSIONS INVENTORY REPORT:**

- 507.1** Upon request of the Control Officer and as directed by the Control Officer, the owner and/or operator of a business shall complete and shall submit to the Control Officer an annual emissions inventory report. The report is due by April 30 or 90 days after the Control Officer makes the inventory form(s) available, whichever occurs later. These requirements apply whether or not a permit has been issued and whether or not a permit application has been filed.
- 507.2** The annual emissions inventory report shall be in the format provided by the Control Officer.
- 507.3** The Control Officer may require submittal of supplemental emissions inventory information forms for air contaminants pursuant to ARS §49-476.01, ARS §49-480.03 and ARS §49-480.04.

**REGULATION I - GENERAL PROVISIONS**

**RULE 110  
VIOLATIONS**

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**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS**

**REGULATION I - GENERAL PROVISIONS**

**RULE 110  
VIOLATIONS**

**SECTION 100 - GENERAL**

- 101 PURPOSE:** To specify the classification of violations of the provisions of these rules.

**SECTION 300 - STANDARDS**

- 301 VIOLATIONS AND ORDER OF ABATEMENT:** When the Control Officer has reasonable cause to believe that any person has violated or is in violation of any provision of these rules or any requirement of a permit issued pursuant to these rules, he may serve upon such person by certified mail or in person an order of abatement or may file a complaint in Superior Court alleging a violation pursuant to ARS§49-513. The order shall state with particularity the act constituting the violation, shall state in its entirety the certain requirement, provision or rule violated, shall state the duration of the order and shall state that the alleged violator is entitled to a hearing, if such hearing is requested in writing within 30 days after the date of issuance of the order. The order may be conditional and may require a person to refrain from particular acts unless certain conditions are met. An order issued under this rule shall require the persons to whom it is issued to comply with the requirement, provision or rule as expeditiously as practicable. In the case of a source required to obtain a permit pursuant to this rule and Title V of the Clean Air Act, the order shall require compliance no later than one year after the date the order was issued, and shall be nonrenewable.
- 302 CIVIL PENALTIES:** Any person who violates any of these rules or any permit or permit condition issued by the Control Officer or any fee or filing requirement required by these rules may be subject to civil penalties pursuant to ARS§49-513.
- 303 CRIMINAL PENALTIES:** Any person who violates any of these rules or any permit or permit condition issued by the Control Officer may be guilty of a Class I

misdemeanor for each day the violation continues pursuant to ARS§49-502 and may be subject to criminal penalties pursuant to ARS§49-514.



## **REGULATION II - PERMITS AND FEES**

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Revised 07/13/88  
Repealed and Adopted 11/15/93  
Revised 02/15/95  
Revised 06/19/96  
Revised 05/20/98

**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS**

**REGULATION II - PERMITS AND FEES**

**RULE 200  
PERMIT REQUIREMENTS**

**SECTION 100 - GENERAL**

- 101 PURPOSE:** To provide an orderly procedure for the review of new sources of air pollution and for the modification and operation of existing sources through the issuance of permits.
- 102 EFFECTIVE DATE OF THIS RULE:** The revisions to Rule 200, Sections 102, 312.2, 407.1, 407.2, and 407.2(a) adopted by the Board Of Supervisors on May 20, 1998, shall be effective July 1, 1998.

**SECTION 300 - STANDARDS**

- 301 PERMITS REQUIRED:** Except as otherwise provided in these rules, no person shall commence construction of, operate, or make a modification to any source subject to regulation under this rule, without first obtaining a permit or permit revision from the Control Officer.
- 302 TITLE V PERMIT:** A Title V permit or, in the case of an existing permitted source, a permit revision shall be required for a person to commence construction of, to operate, or to modify any of the following:
- 302.1** Any major source as defined in Rule 100 of these rules.
  - 302.2** Any solid waste incineration unit required to obtain a permit pursuant to Section 129(e) of the Act.
  - 302.3** Any affected source as defined in Rule 100 of these rules.
  - 302.4** Any source in a source category designated by the Administrator pursuant to 40 CFR 70.3 and adopted by the Board of Supervisors by rule.
- 303 NON-TITLE V PERMIT:** Unless a Title V permit or a permit revision is required, a Non-Title V permit or permit revision shall be required for:
- 303.1** A person to make a modification to a source which would cause it to emit or to have the potential to emit quantities of regulated air pollutants greater than those specified in Sections 303.2 and 303.3c of this rule.
  - 303.2** A person to commence construction of or to modify either of the following after rules adopted pursuant to ARS 49-480.04 are effective:

- a. A source that emits or has the potential to emit with controls ten tons per year or more of a hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants designated by the Director pursuant to ARS 49-426.04.A.1 and not listed in Section 112(b) of the Act.
- b. A source that is within a category designated by the Director pursuant to ARS 49-426.05 and that emits or has the potential to emit with controls at least one ton, but less than ten tons per year of a hazardous air pollutant or at least 2.5 tons, but less than 25 tons per year of any combination of hazardous air pollutants.

**303.3** A person to commence construction of, to operate, or to modify any of the following:

- a. Any source other than a major source, including an area source, subject to a standard, limitation, or other requirement under Section 111 of the Act.
- b. Any source other than a major source, including an area source, subject to a standard or other requirement pursuant to Section 112 of the Act. However, a source is not required to obtain a permit solely because it is subject to regulation or requirements pursuant to Section 112(r) of the Act.
- c. Any source that emits or has the potential to emit, without control, regulated air pollutants, except the following sources to the extent which the described limits are not exceeded. However, any source that is exempt from obtaining a Non-Title V permit according to this section shall still comply with all other applicable requirements of these rules.

**(1) General Combustion Equipment:**

- (a) Any source with an aggregated input capacity of less than 2,000,000 BTU per hour calculated by adding only those pieces of equipment over 300,000 BTU per hour with respect to fuel burning equipment fired with natural gas or liquified petroleum gas.
- (b) Any oil fueled heating equipment with a maximum rated input capacity or an aggregated input capacity of less than 500,000 BTU (527,200 kilojoules) per hour.

**(2) Liquid Storage Tanks:**

- (a) Stationary storage tanks with a capacity of 250 gallons (946 liters) or less used for storing organic liquids.
- (b) Stationary storage tanks used for storing organic liquids with a true vapor pressure of 1.5 psia (77.5 mm Hg) or less.
- (c) Pressure tanks and pressurized vessels used exclusively for the storage of liquified gases.

**(3) Surface Coating and Printing Equipment:**

- (a) The aggregate of all surface coating operations of a source in which no coated product is heat cured and a combined total of one gallon per day or less of all coating materials and solvents are used.
  - (b) Application equipment for architectural surface coatings are used for commercial and residential applications.
  - (c) Any coating operation which employs only hand-held aerosol cans, where VOC emissions do not exceed three pounds on any single day.
  - (d) Any printing operation which employs a combination of printing presses with a maximum of 500 square inches (3226 cm<sup>2</sup>) of impression area and a maximum of two units per printing press. For the purposes of this rule, "units" means the number of printing surfaces.
- (4) Solvent Cleaning Equipment:** Unheated, non-conveyorized, cleaning or coating equipment that does not include control enclosures:
- (a) With an open surface area of one square meter (10.8 square feet) or less and an internal volume of 350 liters (92.5 gallons) or less, having an organic solvent loss of three gallons per day or less, or
  - (b) Using only organic solvents with an initial boiling point of 302°F (150°C) or greater and having an organic solvent loss of three gallons per day or less, or
  - (c) Using materials with a VOC content of two percent or less by volume (20 cubic centimeters per liter).
- (5) Internal Combustion Equipment:**
- (a) Internal combustion engines with a manufacturer's maximum continuous rating of 50 horsepower or less or a maximum accumulative rating of 250 horsepower or less for engines used in the same process at one source.
  - (b) Internal combustion engines used solely as a source of unlimited standby power or emergency purposes and operated at or below 500 hours per year for routine testing and emergency standby operation for each internal combustion engine and provided such source demonstrates that the potential emissions at 500 hours of operation each of all internal combustion engines do not exceed 4,000 pounds of nitrogen oxides or carbon monoxide per year as evidenced by an installed hour meter or written usage records maintained by the operator; and
    - (i) Are only used for power when normal power line service fails; or
    - (ii) Are only used for the emergency pumping of water.

- (iii) This exemption does not apply to internal combustion engines used as standby power due to a voluntary reduction in power by the power company.
- (c) Engines used to propel motorized vehicles.
- (d) Gas turbines with a maximum heat input at ISO Standard Day Conditions of less than 3,000,000 BTU (3,162,000 kilojoules) per hour fired exclusively with natural gas and/or liquified petroleum gas.
- (e) Portable internal combustion engines used on a temporary basis of no more than 30 days per calendar year at any one facility.

**(6) Food Equipment:**

- (a) Equipment, excluding boilers, used in eating establishments or other retail establishments for the purpose of preparing food for human consumption.
- (b) Bakeries:
  - (i) Mixers and blenders used in bakeries where the products are edible and intended for human consumption.
  - (ii) Ovens at bakeries whose total production is less than 10,000 pounds (4,535 kg) per operating day.

**(7) Miscellaneous:**

- (a) Diesel contaminated soil remediation projects, where no heat is applied.
- (b) Self-contained, enclosed blast and shot peen equipment where the total internal volume of the blast section is 50 cubic feet or less and where any venting is done via pollution control equipment.
- (c) Those laboratory acids which have both a pH above 1.5 and an aggregate daily emission to ambient air of vapor/mists from all such acids not exceeding three pounds on any single day.
- (d) Brazing or welding equipment.
- (e) Hand soldering equipment.
- (f) A source whose aggregate of all wood working equipment totals 50 horsepower or less.
- (g) Equipment used for buffing, carving, cutting, drilling, surface grinding, machining, planing, routing, sanding, sawing, shredding, or turning of ceramic artwork, precision parts, leather, metals, plastics, rubber, fiberboard, masonry, carbon, graphite or glass.
- (h) Refrigerant recovery equipment.

- (i) Normal landscaping, building maintenance or janitorial activities.
- (j) A source whose aggregate of all miscellaneous equipment, processes or production lines not otherwise identified in this section has total uncontrolled emissions of less than three pounds (1.4 kg) VOC or PM-10 during any day and less than 5.5 pounds (2.5 kg) of any other regulated air pollutant during any day.

**304 GENERAL PERMIT:** A general permit shall be required for a person to commence construction of, to operate, or to modify a source that is a member of a facility class for which a general permit has been developed pursuant to Rule 230 of these rules. The provisions of Rule 230 of these rules shall apply to general permits, except as otherwise provided in Rule 230 of these rules.

**305 EARTH MOVING PERMIT:** No person shall cause, commence, suffer, allow, or engage in any earth moving operation that disturbs a total surface area of 0.10 acre or more without first obtaining a permit from the Control Officer. This requirement for a permit shall apply to all such activities conducted for commercial, industrial, or institutional purposes or conducted by any governmental entity. The property owner, lessee, developer, or general/prime contractor will be responsible for acquiring the permit. Permits shall not be required for earth moving operations for emergency repair of utilities, paved roads, unpaved roads, shoulders, and/or alleys.

**305.1 Application:** The applicant shall file an application, which includes an 8½" x 11" site map showing all linear dimensions, and shall submit a control plan as described in Rule 310 of these rules.

**305.2 Annual Block Permit:** Any person responsible for more than one earth moving operation consisting of routine operation, maintenance, and expansion or extension of utilities, paved roads, unpaved roads, road shoulders and/or alleys, and public right of ways at non-contiguous sites may submit one permit application covering multiple sites at which construction will commence within 12 months of permit issuance provided that:

- a. The control plan as described in Rule 310 of these rules applies to all sites; and
- b. The applicant submits a list of all sites, including the location and size of each site, with the application; and
- c. For any project not listed in the application, the applicant notifies the Control Officer in writing at least three working days prior to commencing the earth moving operation. The notice shall include the site location, size, type of activity, and start date.

**305.3 Action on Permit Application:** The Control Officer shall take final action on an earth moving permit application within 14 calendar days of the filing of the completed application. The Control Officer shall notify the applicant in writing of his approval or denial.

**305.4 Permit Term:** Earth Moving permits issued pursuant to this rule shall be issued for a period of one year from the date of issuance.

- 305.5 Permit Renewal:** Earth Moving permits shall be renewed annually should the project last longer than one year from the date the permit was issued. Applications for permit renewal shall be submitted to the Control Officer at least 14 calendar days prior to the expiration date of the original permit.
- 306 PERMIT TO BURN:** A permit is required for any open outdoor fire authorized under the exceptions in ARS 49-501 or Rule 314 of these rules.
- 307 EXEMPTIONS:** Notwithstanding Sections 301, 302, and 303 of this rule, the following sources shall not require a permit, unless the source is a major source, or unless operation without a permit would result in a violation of the Act:
- 307.1** Sources subject to 40 CFR 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters.
- 307.2** Sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR 61.145.
- 307.3** Agricultural equipment used in normal farm operations. Agricultural equipment used in normal farm operations, for the purposes of this rule, does not include equipment that would be classified as a source that would require a permit under Title V of the Act, or would be subject to a standard under 40 CFR parts 60 or 61.
- 308 STANDARDS FOR APPLICATIONS:** All permit applications shall be filed in the manner and form prescribed by the Control Officer. The application shall contain all the information necessary to enable the Control Officer to make the determination to grant or to deny a permit or permit revision which shall contain such terms and conditions as the Control Officer deems necessary to assure a source's compliance with the requirements of these rules. The issuance of any permit or permit revision shall not relieve the owner or operator from compliance with any Federal laws, Arizona laws, or these rules, nor does any other law, regulation or permit relieve the owner or operator from obtaining a permit or permit revision required under these rules.
- 309 PERMIT CONDITIONS:** The Control Officer may impose any permit conditions that are necessary to ensure compliance with Federal laws, Arizona laws, or these rules.
- 309.1** The Control Officer may require, as specified in Section 309.2 and Section 309.3 of this rule, any source of regulated air pollutants to monitor, sample, or perform other studies to quantify emissions of regulated air pollutants or levels of air pollution that may reasonably be attributable to that source, if the Control Officer:
- a. Determines that monitoring, sampling, or other studies are necessary to determine the effects of the source on levels of air pollution; or
  - b. Has reasonable cause to believe a violation of this rule, rules adopted pursuant to this rule, or a permit issued pursuant to this rule has been committed; or
  - c. Determines that those studies or data are necessary to accomplish the purposes of this rule and that the monitoring, sampling, or other studies by the source are necessary in order to assess the impact of the source on the emission of regulated air contaminants.



**309.2** The Control Officer may require a source of air contaminants, by permit or order, to perform monitoring, sampling, or other quantification of its emissions or air pollution that may reasonably be attributed to such a source. Before requiring such monitoring, sampling, or other quantification by permit or order, the Control Officer shall consider the relative cost and accuracy of any alternatives which may be reasonable under the circumstances such as emission factors, modeling, mass balance analyses, or emissions projections. The Control Officer may require such monitoring, sampling, or other quantification by permit or order if the Control Officer determines in writing that all of the following conditions are met:

- a. The actual or potential emissions of air pollution may adversely affect public health or the environment.
- b. An adequate scientific basis for the monitoring, sampling, or quantification method exists.
- c. The monitoring, sampling, or quantification method is technically feasible for the subject contaminant and the source.
- d. The monitoring, sampling, or quantification method is reasonably accurate.
- e. The cost of the method is reasonable in light of the use to be made of the data.

**309.3** Orders issued or permit conditions imposed pursuant to this rule shall be appealable to the hearing board in the same manner as that prescribed for orders of abatement in ARS §49-489 and ARS §49-490 and for permit conditions in ARS §49-482.

**310 PROHIBITION - PERMIT MODIFICATION:** A person shall not willfully deface, alter, forge, counterfeit, or falsify any permit issued under the provisions of these rules.

**311 PERMIT POSTING REQUIRED:** Any person who has been granted a permit shall keep a complete permit clearly visible and accessible on the site where the equipment is installed. All equipment covered by the permit shall be listed in the permit by a serial number or other equipment identification symbol and shall be identified on a plant diagram.

**312 TRANSITION FROM INSTALLATION AND OPERATING PERMIT PROGRAM TO UNITARY PERMIT PROGRAM:**

**312.1 Sources With a Valid Installation, Operating, or Conditional Permit:** A valid installation permit or operating permit issued by the Control Officer or a valid conditional permit issued by the hearing board before September 1, 1993, and the authority to operate as provided in Laws 1992, Chapter 299, Section 65, continue in effect until any of the following occurs:

- a. The Control Officer revokes an installation permit.
- b. The Control Officer issues or denies a Title V permit or a Non-Title V permit to the source.
- c. The hearing board revokes or modifies a conditional permit or the conditional permit expires. A source operating under a valid conditional permit may continue to operate in accordance with the terms and conditions of such

permit after the expiration of the conditional permit if, at least 30 days prior to the expiration of the conditional permit, the source submits an application to the Control Officer for a Title V permit as described in Section 312.2 of this rule or for a Non-Title V permit as described in Section 312.3 of this rule.

**312.2 Title V Sources With an Installation, Operating, or Conditional Permit:**

Following November 29, 1996, the effective date of the Environmental Protection Agency's (EPA's) final interim approval of Maricopa County's Title V permit program, a source becomes subject to the requirements of the Title V permit program, when the source meets the applicability requirements as provided in this rule. Sources which hold a valid installation, operating, or conditional permit and require a Title V permit, shall comply with the following provisions:

- a. The owner or operator of the source shall submit a permit application within 180 days of receipt of written notice from the Control Officer that an application is required or 12 months after the source becomes subject to the requirements of Title V of the Act and the permit requirements of these rules, whichever is earlier.
- b. Any source, which has not yet submitted a Title V permit application, that wishes to make any source change not requiring a permit, an administrative permit revision, a minor permit revision, or a significant permit revision shall comply with the applicable provisions of Rule 210 of these rules.

**312.3 Non-Title V Sources With an Installation, Operating, or Conditional Permit:**

Sources requiring a Non-Title V permit in existence on the date these rules become effective which hold a valid installation, operating, or conditional permit shall comply with the following provisions:

- a. All sources shall submit a permit application to the Control Officer within 90 days of receipt of written notice from the Control Officer that an application is required.
- b. Any source that wishes to make any source change not requiring a permit, an administrative permit revision, a minor permit revision, or a non-minor permit revision shall comply with the applicable provisions of Rule 220 of these rules.

**312.4 Written Notice:** For purposes of this subsection, written notice shall include, but not be limited to, a written warning, notice of violation, or order issued by the Control Officer for constructing or operating an emission source without a permit. Such a source shall be considered to be in violation of these rules on each day of operation or each day during which construction continues, until a permit is granted.

**312.5 Sources Not Under Permit:**

- a. All sources not in existence prior to the effective date of these rules shall first submit to the Control Officer an air quality permit application for the entire source before commencing construction of such source.
- b. All sources in existence on the date these rules become effective not holding a valid installation permit and/or a valid operating permit issued by the Control Officer which have not applied for a Non-Title V permit pursuant to

these rules shall submit to the Control Officer a permit application for the entire source.

**312.6 Sources Which Currently Have an Installation or Operating Permit:**

- a. For sources in existence on the date these rules become effective holding a valid installation permit and/or a valid operating permit issued by the Control Officer, the Control Officer may establish a phased schedule for acting on permit applications received within the first full year after the source becomes subject to obtaining a Title V or a Non-Title V permit under these rules. The schedule shall assure that at least one-third of such applications will be acted on annually over a period not to exceed three years after such effective date. Based on this schedule, the Control Officer shall review a completed application in accordance with the provisions of these rules and shall issue or deny the applicable permit within 18 months after the receipt of the completed application.
- b. Any application for an installation permit or an operating permit that is determined to be complete prior to the effective date of these rules but for which no permit has been issued shall be considered complete for the purposes of this section. In issuing a permit pursuant to such an application, the Control Officer shall include in the permit all elements addressed in the application and a schedule of compliance for submitting an application for a permit revision to address the elements required to be in the permit that were not included in the operating permit application or in the installation permit application. No later than six months after the effective date of these rules, the Control Officer shall take final action on an operating permit application or on an installation permit application determined to be complete prior to the effective date of these rules.

**313 ACCELERATED PERMITTING:**

- 313.1** Notwithstanding any other provisions of these rules, the following qualify a source for a request-submittal for accelerated processing: an application for a Title V permit or for a Non-Title V permit; any permit revision; and any coverage under a general permit. Such a request-submittal shall be submitted in writing to the Control Officer at least 30 days in advance of filing the application and shall be accompanied by fees as described in Rule 280 of these rules.
- 313.2** When an applicant has requested accelerated permit processing, the Control Officer may, to the extent practicable, undertake to process the permit or permit revision in accordance with the following schedule:
  - a. For applications for initial Title V and Non-Title V permits under Rules 210 and 220 of these rules, for significant permit revisions under Rule 210 of these rules, or for non-minor permit revisions under Rule 220 of these rules, final action on the permit or on the permit revision shall be taken within 90 days or after the Control Officer determines that the application is complete for a Non-Title V source and within 120 days after the Control Officer determines that the application is complete for a Title V source. Except for a new major source or a major modification subject to the requirements of Rule 240 of these rules, an application for a new permit, a significant permit revision, or a permit renewal shall be deemed to be complete unless the

Control Officer notifies the applicant by certified mail within 30 days of receipt of the application that the application is not complete.

- b. For applications for coverage under a general permit under Rule 230 of these rules, final action shall be taken within 30 days after receipt of the application.
- c. For minor permit revisions governed by Rule 210 of these rules and Rule 220 of these rules, the permit revision shall be issued within 60 days after receipt of the application.

**313.3** Before issuing a permit or permit revision pursuant to this section, the applicant shall pay to the Control Officer all fees due as described in Rule 280 of these rules. Nothing in this section shall affect the public participation requirements of Rules 210 or 220 of these rules, or EPA and affected state review as required under Rule 210 of these rules.

## **SECTION 400 - ADMINISTRATIVE REQUIREMENTS**

### **401 APPROVAL OR DENIAL OF PERMIT OR PERMIT REVISION:**

- 401.1** The Control Officer shall deny a permit or revision if the applicant does not demonstrate that every such source for which a permit or permit revision is sought is so designed, controlled, or equipped with such air pollution control equipment that the source may be expected to operate without emitting or without causing to be emitted air contaminants in violation of the provisions of these rules.
- 401.2** Prior to acting on an application for a permit, the Control Officer may require the applicant to provide and to maintain such devices and procedures as are necessary for sampling and for testing purposes in order to secure information that will disclose the nature, extent, quantity, or degree of air contaminants discharged into the atmosphere from the source described in the application. In the event of such a requirement, the Control Officer shall notify the applicant in writing of the type and characteristics of such devices and procedures.
- 401.3** In acting upon an application for a permit renewal, if the Control Officer finds that such source has not been constructed in accordance with any prior permit or revision issued pursuant to ARS 49-480.01, the Control Officer shall require the permittee to obtain a permit revision or shall deny the permit renewal. The Control Officer shall not accept any further application for a permit for such source so constructed until the Control Officer finds that such source has been reconstructed in accordance with a prior permit or a revision, or until a revision to the permit has been obtained. The Control Officer may issue a permit with a compliance schedule for a source that is not in compliance with all applicable requirements at the time of permit issuance.
- 401.4** After a decision on a permit or on a permit revision, the Control Officer shall notify the applicant and any person who filed a comment on the permit pursuant to ARS 49-480 or on the permit revision pursuant to ARS 49-480.01 in writing of the decision, and if the permit is denied, the reasons for such denial. Service of this notification may be made in person or by first class mail. The Control Officer shall not accept a further application unless the applicant has corrected the

circumstances giving rise to the objections as specified by the Control Officer as reasons for such denial.

## **402 PERMIT REOPENINGS; REVOCATION AND REISSUANCE; TERMINATION:**

### **402.1 Reopening for Cause:**

- a. Each issued permit shall include provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit. A permit shall be reopened and revised under any of the following circumstances:
  - (1) Additional applicable requirements under the Act become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to Section 403.2 of this rule. Any permit revision required pursuant to this rule shall comply with Section 403 of this rule for a permit renewal and shall reset the five year permit term.
  - (2) Additional requirements, including excess emissions requirements, become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the Title V permit.
  - (3) The Control Officer or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
  - (4) The Control Officer or the Administrator determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
- b. Proceedings to reopen and issue a permit, including appeal of any final action relating to a permit reopening, shall follow the same procedures as apply to initial permit issuance and shall, except for reopenings under Section 402.1a(1) of this rule, affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as is practicable.
- c. Action to reopen a permit under this section shall not be initiated before a notice of such intent is provided to the source by the Control Officer at least 30 days in advance of the date that the permit is to be reopened, except that the Control Officer may provide a shorter time period in the case of an emergency.
- d. When a permit is reopened and revised pursuant to this rule, the Control Officer may make appropriate revisions to the permit shield established pursuant to Rule 210 of these rules.

**402.2 Reopening for Cause by the Administrator:**

- a. If the Administrator finds that cause exists to terminate, modify, or revoke and reissue a permit pursuant to Section 402.1 of this rule, the Administrator may notify the Control Officer and the permittee of such finding in writing. Within ten days of receipt of notice from the Administrator that cause exists to reopen a Title V permit, the Control Officer shall notify the source.
- b. Within 90 days of receipt of notice from the Administrator that cause exists to reopen a permit, the Control Officer shall forward to the Administrator a proposed determination of termination, modification, or revocation and reissuance of the permit. The Control Officer may request a 90 day extension of this limit if it is necessary to request a new or revised permit application or additional information from the applicant for, or holder of, a Title V permit.
- c. The Control Officer shall have 90 days from receipt of an objection by the Administrator to attempt to resolve the objection.

**403 PERMIT RENEWAL AND EXPIRATION:**

- 403.1 Prior to renewing a permit issued under these rules, the Control Officer shall provide notice in the same manner and form as provided in Rule 210 of these rules.
- 403.2 The Control Officer shall not renew a permit issued under these rules unless the permittee applies for a permit renewal prior to the expiration of a permit in the manner required by Rule 210 of these rules. If a timely and complete application for a permit renewal is submitted, but the Control Officer has failed to issue or deny the renewal permit before the end of the term of the previous permit, then the permit shall not expire until the renewal permit has been issued or denied. Any testing that is required for a renewal shall be completed before the proposed permit renewal is issued by the Control Officer.
- 403.3 The Control Officer shall publish notice of a permit renewal decision in the same manner as that provided in Rule 210 of these rules for a Title V permit and as that provided in Rule 220 of these rules for a Non-Title V permit.

**404 PERMIT TRANSFERS:**

- 404.1 Except as provided in ARS §49-429 and Section 404.2 of this rule, a Title V permit or a Non-Title V permit may be transferred to another person if the person who holds the permit gives notice to the Control Officer in writing at least 30 days before the proposed transfer and complies with administrative permit amendment procedures pursuant to Rule 210 and/or Rule 220 of these rules. Permit transfer notice shall contain the following:
  - a. The permit number and expiration date.
  - b. The name, address and telephone number of the current permit holder.
  - c. The name, address and telephone number of the person to receive the permit.

- d. The name and title of the individual within the organization who is accepting responsibility for the permit along with a signed statement by that person indicating such acceptance.
- e. A description of the equipment to be transferred.
- f. A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee.
- g. Provisions for the payment of any fees pursuant to Rule 280 of these rules that will be due and payable before the effective date of transfer.
- h. Sufficient information about the source's technical and financial capabilities of operating the source to allow the Control Officer to make the decision in Section 404.2 of this rule including:
  - (1) The qualifications of each person principally responsible for the operation of the source.
  - (2) A statement by the chief financial officer of the new permittee that it is financially capable of operating the source in compliance with the law, and the information that provides the basis for that statement.
  - (3) A brief description of any action for the enforcement of any federal or state law, rule or regulation, or any county, city or local government ordinance relating to the protection of the environment, instituted against any person employed by the new permittee and principally responsible for operating the source during the five years preceding the date of application. In lieu of this description, the new permittee may submit a copy of the certificate of disclosure or 10-K form required under ARS §49-109, or a statement that this information has been filed in compliance with ARS §49-109.

**404.2** The Control Officer shall deny the transfer if the Control Officer determines that the organization receiving the permit is not capable of operating the source in compliance with Article 3, Chapter 3, Title 49, Arizona Revised Statutes, the provisions of these rules, or the provisions of the permit. Notice of the denial stating the reason for the denial shall be sent to the original permit holder by certified mail stating the reason for the denial within ten working days of the Control Officer's receipt of the application. If the transfer is not denied within ten working days after receipt of the notice, the Control Officer shall approve such permit transfer.

**404.3** To appeal the transfer denial:

- a. Both the transferor and transferee shall petition the hearing board in writing for a public hearing; and
- b. The appeal process for a permit shall be followed.

**405 PERMITS CONTAINING THE TERMS AND CONDITIONS OF FEDERAL DELAYED COMPLIANCE ORDERS (DCO) OR CONSENT DECREES:**

- 405.1** The terms and conditions of either a DCO or consent decree shall be incorporated into a permit through a permit revision. In the event the permit expires prior to the expiration of the DCO or consent decree, the DCO or consent decree shall be incorporated into any permit renewal.
- 405.2** The owner or operator of a source subject to a DCO or consent decree shall submit to the Control Officer a quarterly report of the status of the source and construction progress and copies of any reports to the Administrator required under the order or decree. The Control Officer may require additional reporting requirements and conditions in permits issued under this rule.
- 405.3** For the purpose of this rule, sources subject to a consent decree issued by a federal court shall meet the same requirements as those subject to a DCO.
- 406 APPEAL:** Denial or revocation of a permit shall be stayed by the permittee's written petition for a hearing, filed in accordance with Rule 400 of these rules.
- 407 AIR QUALITY IMPACT MODELS:**
- 407.1** Where the Control Officer requires a person to perform air quality impact modeling, the modeling shall be performed in a manner consistent with the "Guideline on Air Quality Models (Revised)" (EPA-450/2-78-027R, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, July 1986) and "Supplement B to the Guideline on Air Quality Models" (U.S. Environmental Protection Agency, September 1990). Both documents shall be referred to hereinafter as "Guideline", and are adopted by reference.
- 407.2 Model Substitution:** Where the person can demonstrate that an air quality impact model specified in the guideline is inappropriate, the model may be modified or another model substituted. However, before such modification or substitution can occur, the Control Officer must make a written finding that:
- a. No model in the guideline is appropriate; or
  - b. The data base required for the appropriate model in the guideline is not available; and
  - c. A model proposed as a substitute or modification is likely to produce results equal or superior to those obtained by models in the guideline.
- 408 TESTING PROCEDURES:** Except as otherwise specified, the applicable testing procedures contained in the Arizona Testing Manual for Air Pollutant Emissions shall be used to determine compliance with standards or permit conditions established pursuant to these rules.
- 409 PERMIT FEES:** A fee shall be charged for each facility. No permit is valid until the applicable permit fee has been received and until the permit is issued by the Control Officer.
- 410 PORTABLE SOURCES:**
- 410.1** An owner or operator of a portable source which will operate for the duration of its permit solely in Maricopa County shall obtain a permit from the Control Officer for



Maricopa County and is subject to Sections 410.2, 410.3, and 410.4 of this rule. A portable source with a current State of Arizona permit need not obtain a Maricopa County permit but is subject to Sections 410.3, 410.4, and 410.5 of this rule. Any permit for a portable source shall contain conditions that will assure compliance with all applicable requirements at all authorized locations.

- 410.2** An owner or operator of a portable source which has a Maricopa County permit but proposes to operate outside of Maricopa County shall obtain a permit from the Director. Upon issuance of a permit by the Director, the Control Officer shall terminate the Maricopa County permit for that source. If the owner or operator relocates the portable source in Maricopa County, the owner or operator shall notify the Control Officer as required by Section 410.4 of this rule of the relocation of the portable source. Whenever the owner or operator of a portable source operates a portable source in Maricopa County, such owner or operator shall comply with all regulatory requirements in these rules.
- 410.3** An owner of a portable source which requires a permit under this rule shall obtain the permit prior to renting or leasing said portable source. This permit shall be provided by the owner to the renter or lessee, and the renter or lessee shall be bound by the permit provisions. In the event a copy of the permit is not provided to the renter or lessee, both the owner and the renter or lessee shall be responsible for the operation of the portable source in compliance with the permit conditions and any violations thereof.
- 410.4** A portable source may be transported from one location to another within or across Maricopa County boundaries provided the owner or operator of such portable source notifies the Director and any Control Officer who has jurisdiction over the geographic area that includes the new location of the portable source by certified mail at least ten working days before the portable source is transported to the new location. The notification required under this rule shall include:
- a. A description of the portable source to be transported including the Maricopa County permit number or the State of Arizona permit number for such portable source;
  - b. A description of the present location;
  - c. A description of the location to which the portable source is to be transported, including the availability of all utilities, such as water and electricity, necessary for the proper operation of all control equipment;
  - d. The date on which the portable source is to be moved;
  - e. The date on which operation of the portable source will begin at the new location; and
  - f. The duration of operation at the new location.
- 410.5** An owner or operator of a portable source with a current State of Arizona permit that moves such portable source into Maricopa County shall notify the Control Officer that such portable source is being transported to a new location and shall include in such notification a copy of the State of Arizona permit and a copy of any conditions imposed by the State of Arizona permit. The source shall be subject to all regulatory requirements of these rules.

**411 PUBLIC RECORDS; CONFIDENTIALITY:**

- 411.1** The Control Officer shall make all permits, including all elements required to be in the permit pursuant to Rule 210 of these rules and Rule 220 of these rules available to the public.
- 411.2** A notice of confidentiality pursuant to ARS §49-487(c) shall:
- a.** Precisely identify the information in the application documents which is considered confidential.
  - b.** Contain sufficient supporting information to allow the Control Officer to evaluate whether such information satisfies the requirements related to trade secrets or, if applicable, how the information, if disclosed, could cause substantial harm to the person's competitive position.
- 411.3** Within 30 days of receipt of a notice of confidentiality that complies with Section 411.2 of this rule, the Control Officer shall make a determination as to whether the information satisfies the requirements for trade secret or competitive position pursuant to ARS §49-487(C)(1) and so notify the applicant in writing. If the Control Officer agrees with the applicant that the information covered by the notice of confidentiality satisfies the statutory requirements, the Control Officer shall include a notice in the administrative record of the permit application that certain information has been considered confidential.